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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,709	08/07/2000	Paul Kunisch	GR 98 P 1128 P	3828

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EXAMINER

TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/633,709

Applicant(s)

KUNISCH ET AL.

Examiner

BINH K. TIEU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 5-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Long et al. (U.S. Pat. #: 6,804,267).

Regarding claims 5, Long et al. ("Long") teaches a method of handling telephone signals supplied by an analog telephone set and data supplied by a data terminal in subscriber line circuit of a digital telephone switching system (i.e., the digital telephone switching system as shown in figure 9) used at least in subregions for data transmission (col.8, lines 59-63), which comprises:

connecting a telephone set and a data terminal to a subscriber line circuit of a digital telephone switching system through a common analog subscriber line (see subscriber line 20 in figure 9, col.8, line 64 – col.9, line 10);

subjecting data supplied by the data terminal to a sampling operation at a sampling rate above a sampling rate required for telephone information causing the

data originating from the data originating from the data terminal to not be subject to the same restrictions as the signals originating from the analog telephone set; and according to a digital coding to analog conversion, data incoming from the digital telephone switching system using a linear characteristic; and feeding data originating from and handled by the data terminal directly to a data transmission network (col.9, lines 41-64 and col.11, lines 21-28).

Regarding claim 6, Long further teaches limitations of the claim in col.11, lines 22-28.

Regarding claim 7, long teaches a subscriber line circuit (i.e., a TCM-DSL line card as shown in fig.12; col.11, lines 49-56) handling telephone signals supplied by an analog telephone set and data supplied by a data terminal in subscriber line circuit of a digital telephone switching system (i.e., the digital telephone switching system as shown in figure 9) used at least in subregions for data transmission (col.8, lines 59-63), comprising:

a telephone set for producing telephone signals (i.e., conventional telephone set 10 shown in figure 9);

a data terminal having a modem for producing data signals (i.e., TCM-DSL modem 48);

an analog subscriber line (i.e., analog telephone line 20), said telephone set and said data terminal directly connected to a subscriber line circuit of a digital telephone switching system through said analog subscriber line (col.8, line 64 – col.9, line 10);

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an analog/digital converter (i.e., analog-digital A/D converter 44) having a sampling rate above a sampling rate required for telephone information, said analog/digital converter:

connected to said telephone set and said data terminal;

receiving said telephone signals and said data signals; and

producing digital signals according to the sampling rate causing the data

originating from the data originating from the data terminal to not be subject to the same restrictions as the signals originating from the analog telephone set (col.9, lines 41-49 and col.11, lines 22-29); and

a digital signal processor (i.e., TCM-DSL processor 36 shown in figure 10) reducing signals incoming from the digital telephone switching system to a transmission bit rate for telephone transmission and simultaneously coding said telephone signals according to a nonlinear characteristic (col.9, line 49 – col.10, line 15).

Regarding claim 8, Long further teaches limitations of the claim in col.9, lines 49-64.

Regarding claim 9, Long teaches in a digital telephone switching system used at least in subregions for data transmission (i.e., the digital telephone switching system as shown in figure 9; col.8, lines 59-63), comprising:

a telephone set for producing telephone signals (i.e., conventional telephone set 10 shown in figure 9);

a data terminal having a modem for producing data signals (i.e., TCM-DSL modem 48);

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an analog subscriber line (i.e., analog telephone line 20), said telephone set and said data terminal directly connected to a subscriber line circuit of a digital telephone switching system through said analog subscriber line (col.8, line 64 – col.9, line 10);

an analog/digital converter (i.e., analog-digital A/D converter 44) having a sampling rate above a sampling rate required for telephone information, said analog/digital converter:

connected to said telephone set and said data terminal;

receiving said telephone signals and said data signals; and

producing digital signals; and

a digital signal processor (i.e., TCM-DSL processor 36 shown in figure 10) reducing signals incoming from the digital telephone switching system to a transmission bit rate for telephone transmission and simultaneously coding said telephone signals according to a nonlinear characteristic causing the data originating from the data originating from the data terminal to not be subject to the same restrictions as the signals originating from the analog telephone set (col.9, line 41 – col.10, line 15 and 49 and col.11, lines 22-29).

Regarding claim 10, Long further teaches limitations of the claim in col.9, lines 49-64.

Response to Arguments

3. Applicant's arguments with respect to claims 5-10 have been considered but are moot in view of the new ground(s) of rejection.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

Any response to this final action should be mailed to:

Box AF

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

Or faxed to:

**(703) 872-9314 (for formal communications; please mark
"EXPEDITED PROCEDURE")**

Or:

**If it is an informal or draft communication, please label
"PROPOSED" or "DRAFT")**

Customer Service (703) 306-0377

**Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).**

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (703) 305-3963 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

A handwritten signature in black ink, appearing to read "Binh Tieu", with a long horizontal flourish extending to the right.

**BINH TIEU
PRIMARY EXAMINER**

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Date: January 14, 2005